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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

IN RE: TOYOTA MOTOR CORP.  
UNINTENDED ACCELERATION  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION

8:10ML2151 JVS (FMOx)

MDL 2151

Honorable James V. Selna

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This document relates to:

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Case No. 11-cv-08120 JVS (FMOx)

SHIRLENE VAN ALFEN, et al.

Plaintiffs,

vs.

TOYOTA MOTOR SALES, U.S.A., INC.,  
a California corporation, et al.

Defendants.

**PLAINTIFFS' RESPONSE TO ORDER  
TO SHOW CAUSE ("OSC") WHY  
DOCUMENTS SHOULD NOT BE  
PUBLICALLY FILED**

1 In response to the Court's Order to Show Cause ("OSC") Why Documents Should  
2 Not Be Publicly Filed, Plaintiffs believe that all of the materials, excluding the medical  
3 records of decedent Paul Van Alfen, filed in support of and in opposition to Plaintiffs'  
4 Motion for Terminating Sanctions, Evidentiary Sanctions, or, alternatively, an Adverse  
5 Inference Jury Instruction (the "Motion for Terminating Sanctions") should be publicly  
6 filed. More particularly, as set forth below, Plaintiffs submit that each of the nine (9)  
7 categories of materials identified in the OSC should be publicly filed:

- 8 • Subject to appropriate personal identifier redactions (*see* C.D. Cal.  
9 Local Rule 79-5.4), all reports of and deposition testimony by law  
10 enforcement officials who investigated the *Van Alfen* crash should be  
11 publicly filed.
- 12 • Again, subject to appropriate personal identifier redactions pursuant to  
13 Local Rule 79-5.4, all deposition testimony of witnesses to the *Van*  
14 *Alfen* crash should be publicly filed.
- 15 • All Toyota press releases, pages from publicly available websites, and  
16 Toyota's "Sustainability Report," also publicly available, should be  
17 unsealed;
- 18 • All court documents that are already part of the record should be  
19 publicly filed;
- 20 • The materials relating to the procedures for response by and actual  
21 responses by the Toyota "SMART" team should be publicly filed.  
22 Such documents do not contain any trade secrets or other bona fide  
23 confidential information for which there is any "compelling reason" to  
24 keep secret.
- 25 • The materials related to the EDR and EDR readout tool, including the  
26 reasons for its development and use in Toyota vehicles, its technical  
27 capabilities, and specific data read-outs produced by a reading of the  
28 *Van Alfen* vehicle's EDR and other EDRs should be publicly filed.

- The document entitled “Anticipated Questions and Answers in Regards to Two Newspaper Articles about Toyota’s Event Data Recorders” should be publicly filed.
- All materials relating to the events surrounding the extraction of data from the *Van Alfen* vehicle’s EDR or other inspection of the *Van Alfen* vehicle by anyone, party or non-party, should also be publicly filed.
- All materials relating to the issue of consent regarding the extraction of data from the *Van Alfen* vehicle EDR or other inspection, including materials related to consent given or withheld (or alleged to have been given or withheld) by anyone, or materials related to the actual consent required (or understood to be required) to conduct such an EDR readout or other inspection should be publicly filed.

Plaintiffs agree that “[a]ll these documents go to the heart of the matter to be decided by the Court in the Motion for Terminating Sanctions.” (OSC, Docket No. 2333, at p. 7).

Dated: April 3, 2012

Respectfully submitted,

By: /s/ Mark P. Robinson, Jr.

Mark P. Robinson, Jr.

Mark P. Robinson, Jr., Bar No. 054426

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